

**REMARKS**

Claims 1-21 are pending herein.

By this Amendment, claims 1-16 are amended to more fully distinguish the invention of the claims over the teachings of the reference cited against these claims, as discussed more fully below. Claims 17-21 are added.

No new matter is added by this Amendment. Support for the language added to claims 1-16 is found in the original specification and claims. In particular, support for the language added to claims 1, 11 and 15 is found at, for example, page 8-9 of the specification. Support for the language added to claim 15 is also found in original claims 7, 11 and 16. Support for new claim 17 is found in original claims 15 and 16 as well as, for example, page 8-9 of the specification. Support for new claims 18-21 is found at, for example, pages 8-9 of the specification.

Applicant appreciates the courtesies shown to Applicant's representative by Examiner Burleson and Examiner Pokrzywa in the May 3, 2004 interview. Applicant's separate record of the substance of the interview is incorporated into the following remarks.

**I. Rejection Under 35 U.S.C. §102(e)**

Claims 1-16 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent Publication No. 2002/0048040 to Kato (hereinafter "Kato"). This rejection is respectfully traversed.

With respect to claim 1, to further clarify the subject matter therein, claim 1 is herein amended to replace the term "position information" with "a notation inputting device that inputs notation that informs whether the e-mail is addressed to the recipient or the e-mail is transmitted as a courtesy copy." Claims 11 and 15 were also amended to include this limitation.

As defined in the specification, the notations of claims 1, 11 and 15 correspond to "TO," "CC," and "BCC," wherein "TO" is the notation informing that the e-mail is addressed to the recipient and "CC" and "BCC" are notations informing that the e-mail is transmitted as a courtesy copy. See page 8, line 7 to page 9, line 12 of the specification.

Kato merely discloses a communication apparatus that attaches facsimile data to an e-mail and transmits the e-mail (see the Abstract of Kato) through the Internet (See Fig. 1 of Kato). More specifically, Kato discloses that the PC2 sets a receiver's name and a mail address and transmits an e-mail. See S20 and S110 in figure 5 of Kato.

However, the facsimile apparatus of the system taught by Kato does not include a recipient's information inputting device/program, a notation inputting device/program, a disclosure information inputting device/program and a transmitting device/program, as further defined in each of claims 1, 11, 15 and 17.

As acknowledged by the Examiners during the May 2 interview, Kato further fails to teach or suggest notations such as "TO," "CC," "BCC," or any other notation to inform whether the e-mail is addressed to the recipient or the e-mail is transmitted as a courtesy copy.

Further, each of independent claims 1, 7, 11 and 15-17 recite, in part, a disclosure information inputting device/program for inputting disclosure information as to whether or not disclosure of other recipients is required, according to the recipient's information input by the recipient's inputting device/program, and for correlating the disclosure to the recipient's information; and a transmission device/program that transmits the facsimile data by attaching the facsimile data to the e-mail, based on the recipient's information input by the recipient's inputting device and the input by the inputting device.

As discussed above, nowhere does Kato teach or suggest the limitations of the current claims. Instead, Kato is directed to a communication apparatus and storage medium for attaching facsimile data to an e-mail and transmitting the e-mail. See the Abstract. Kato

further discloses that the communication apparatus includes a PC connected to a facsimile apparatus via a telephone exchange and that the telephone exchange is connected to the Internet. See paragraph [0026] of Kato.

However, nowhere does Kato teach that the facsimile data transmitted includes the recipient's information wherein whether or not to broadcast the recipient's information to other recipients is required. More specifically, Kato fails to teach or disclose (1) a disclosure information inputting device/program for inputting disclosure information as to whether or not disclosure of other recipients is required or (2) transmitting facsimile data based on the recipient's information input, the position information input, and the disclosure information input by the disclosure information inputting device/program, as recited in each of independent claims 1, 7, 11 and 15-17.

For the foregoing reasons, and as acknowledged by the Patent Office, Applicant submits that Kato fails to disclose the subject matter of independent claims 1, 7, 11 and 15-17 and dependent claims 2-6, 8-10, 12-14 and 18-21. Reconsideration and withdrawal of the rejection is thus respectfully requested.

Finally, Applicant notes that Kato is commonly owned with the present application, and further is available as prior art only under 35 U.S.C. §102(e) as Kato was not published prior to the priority date (March 19, 1999) of the present application. Accordingly, Kato cannot be relied upon under 35 U.S.C. §103(a). See 35 U.S.C. §103(c).

## II. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-21 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff  
Registration No. 27,075

Linda M. Saltiel  
Registration No. 51,122

JAO:LMS/mlv

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**OLIFF & BERRIDGE, PLC**  
**P.O. Box 19928**  
**Alexandria, Virginia 22320**  
**Telephone: (703) 836-6400**

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